

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
ABERDEEN DIVISION

DELILAH HEARN

PLAINTIFF

V.

CIVIL ACTION NO. 1:18-CV-95-SA-DAS

TONY DAVIS, SHANE LATCH, and
ALCORN COUNTY, MISSISSIPPI

DEFENDANTS

ORDER ADOPTING REPORT AND RECOMMENDATION

Plaintiff Delilah Hearn filed this case on May 23, 2018. It is undisputed that one of the defense attorneys offered \$15,000 to settle all claims against all parties. The Plaintiff's counsel notified the defense counsel that the Plaintiff agreed to the settlement offer. The defense counsel then confirmed the settlement in writing which indicated that the settlement check was being ordered and that the necessary paperwork was being drafted.

Although the settlement offer was not expressly conditional upon whether the Alcorn County Board of Supervisors approved the settlement, one of the defense attorneys later advised the Plaintiff's counsel that the Board of Supervisors had not in fact approved the settlement. The Plaintiff then filed a Motion to Enforce the Settlement Agreement [44] on August 5, 2019. The Defendants argue that the settlement agreement is not enforceable until the settlement is approved by the Board of Supervisors acting on behalf of the county. The United States Magistrate Judge assigned to this case held a hearing on the Motion [44] on October 31, 2019.

After considering the record of this action, the Court finds that the Magistrate Judge filed a Report and Recommendation [58] on November 12, 2019. The Report and Recommendation [58] notified the parties that they were to respond within 14 days with any objections. Neither party filed any objections. As such, the Court is of the opinion that the Magistrate Judge's Report and Recommendation [58] should be approved and adopted as the opinion of the Court.

It is, therefore, ordered that the Report and Recommendation [58] is ADOPTED as the Order of the Court, and the Plaintiff's Motion to Enforce Settlement Agreement [44] is DENIED.

It is SO ORDERED on this, the 12th day of February, 2020.

/s/ Sharion Aycock

UNITED STATES DISTRICT JUDGE